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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/017,276

12/13/2001

Richard Soltys

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11/03/2004

SEED INTELLECTUAL PROPERTY LAW GROUP PLLC

701 FIFTH AVE

SUITE 6300

SEATTLE, WA 98104-7092

EXAMINER

NGUYEN, KIM T

ART UNIT

PAPER NUMBER

3713

DATE MAILED: 11/03/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/017,276

Applicant(s)

SOLTYS ET AL.

Examiner

Kim Nguyen

Art Unit

3713

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 06 October 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7, 9-37, 41-49 and 57 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 27 is/are allowed.
- 6) ☒ Claim(s) 1-7, 9-26, 28-37, 41-49 and 57 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 6/30/04.
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____.

DETAILED ACTION

The amendment filed on October 6, 2004 has been received and considered. By this amendment, claims 8, 38-40, and 50-56 have been canceled, claim 57 has been added, and claims 1-7, 9-37, 41-49, and 57 are now pending in the application.

Duplicated claims

1. Applicant is advised that should claim 47 be found allowable, claim 48 will be objected to under 37 CFR 1.75 as being a substantial duplicate thereof. When two claims in an application are duplicates or else are so close in content that they both cover the same thing, despite a slight difference in wording, it is proper after allowing one claim to object to the other as being a substantial duplicate of the allowed claim. See MPEP § 706.03(k).

Claim Objections

2. Claims 15, 19, and 32 are objected to because of the following informalities:
- a) In claim 15, line 3, the claimed limitation “the playing card blanks” should be corrected to “playing card blanks”.
 - b) In claim 19, line 6, the mistyping “fo” should be corrected to “of”.
 - c) In claim 32, line 8, the claimed limitation “valued” should be corrected to “values”.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

3. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

4. Claims 19-24 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

- a) In claim 19, line 6, the claimed limitation “the set of playing cards” lacks of antecedent basis.
- b) Claims 20-24 are rejected as being dependent on the rejected base claim.

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

6. Claims 1-7, 9-26, 28-37, 41-49 and 57 are rejected under 35 U.S.C. 103(a) as being unpatentable over Lamle (US Patent No. 5,199,710).
- a. As per claim 1, Lamle discloses a method of distributing playing cards comprising generating a pseudo-random playing card sequence and printing the playing cards having markings according to the pseudo-random sequence (col. 2, lines 1-10). Lamle does not explicitly disclose printing the playing cards in an order matching. However, Lamle discloses

printing the playing cards corresponding to the successively generating signals representing indicia to be printed (col. 2, lines 1-10). It would have been obvious to a person of ordinary skill in the art at the time the invention was made to generate printing signals in an order matching in order to control the printer of Lamle to print indicia in a selected order.

b. As per claim 2, Lamle discloses executing the random number generation algorithm on a processor (col. 3, lines 15-20).

c. As per claim 3-4, Lamle discloses removing an ordered stack of the playing cards one by one from a card shoe (col. 3, lines 8-9; and col. 2, lines 19-21).

d. As per claim 5-6, Lamle discloses printing playing cards on opposite faces of the card stock (col. 3, lines 52-56). Further, printing playing cards in a selected orientation would have been obvious design choice.

e. As per claim 7 and 9-10, refer to discussion in claim 1 above. Further, since Lamle discloses printing the cards using the signals indicating indicia of card values, Lamle obviously discloses printing marking on the cards after the generation of the pseudo-random indicia sequence.

f. As per claim 11 and 57, Lamle discloses activating portions of the playing cards (col. 3, lines 23-31). Further, as to claim 57, applying a charge for producing a playing card would have been well known to a person of ordinary skill in the art at the time the invention was made.

g. As per claim 12, refer to discussion in claim 1 above. Further, Lamle discloses generating and printing successively sets of playing card value (col. 3, lines 13-31).

h. As per claim 13, Lamle discloses distributing the playing cards (col. 2, lines 9-10).

- i. As per claim 14, refer to discussion in claim 1 above.
- j. As per claim 15, Lamle discloses a printer for printing playing cards (col. 3, lines 53-56).
Further, including a print head and a print head controller in a printer would have been well known to a person of ordinary skill in the art at the time the invention was made.
- k. As per claim 16, refer to discussion in claim 1 above.
- l. As per claim 17, connecting a printer to a host network computer to communicate data between the computers would have been well known to a person of ordinary skill in the art at the time the invention was made.
- m. As per claim 18, Lamle discloses generating print data and transmitting print data to the printer (col. 3, lines 13-20; col. 2, lines 1-10; and col. 3, lines 35-39).
- n. As per claim 19, refer to discussion in claim 1 above.
- o. As per claim 20, dealing playing cards according to a pseudo-random sequence would have been well known to a person of ordinary skill in the art at the time the invention was made.
- p. As per claim 21-22, refer to discussion in claims 5-6 above.
- q. As per claim 23-24, Lamle discloses printing the number of playing cards according to a predetermined number of cards (col. 3, lines 20-23). Further, selecting the predetermined number of cards for printing that is less than 52 would have been an obvious design choice.
- r. As per claim 25, refer to discussion in claim 1 above.
- s. As per claim 26 and 28, storing the printed playing cards in a card shoe and printing a rank and a suit on the playing card would have been well known to a person of ordinary skill in the art at the time the invention was made.

- t. As per claim 29, refer to discussion in claim 12 above.
- u. As per claim 30-31, Lamle discloses including playing card values corresponding to a deck of cards (col. 1, lines 52-53; and col. 3, lines 20-23). Further, including 52 cards in a deck would have been well known.
- v. As per claim 32-33, refer to discussion in claims 2 and 15 above.
- w. As per claim 34-35, Lamle discloses providing different pseudo-random sequence (col. 3, lines 13-30 and 35-37). Further, coupling the printer to a remote processor would have been well known.
- x. As per claim 36-37, reading the card markings would have been well known.
- y. As per claim 41, refer to discussion in claims 1, 32 and 35 above.
- z. As per claim 42-43, Lamle discloses a chip tray and a betting station (Fig. 1; and col. 2, lines 66-68; col. 3, lines 1-2). Further, tracking wagers and value of chips in the chip tray on a gaming table would have been well known.
- a.1 As per claim 44, refer to discussion in claims 42-43 above.
- b.1 as per claim 45, reading markings on the discarded cards would have been well known.
- c.1 As per claim 46-49, refer to discussion in claims 1, 5, and 12 above.

Allowable Subject Matter

- 7. Claim 27 is allowed.
- 8. The following is a statement of reasons for the indication of allowable subject matter:

Prior arts of record does not disclose a method for generating a playing card deck for a card game set forth in claim 25 in which the printed playing cards are stored in a card shoe, and further comprises determining when the number of the printed playing cards in a card shoe falls below a threshold value, and printing markings on an additional number of playing cards in response to the number of printed playing cards in the card shoe falling below the threshold value.

Response to Arguments

9. Applicant's arguments filed October 6, 2004 have been fully considered but they are not persuasive.

In response to applicant's argument in page 13, last paragraph through page 14, first paragraph, Lamle discloses randomly generating signals representing indicia representing card values (col. 2, lines 1-4), it would have been well known that each card indicates only one card value. Lamle clearly suggests that the card values are used to print a plurality of cards. In col. 2, lines 5-9, Lamle teaches printing card values successively using the sequence of card values. Therefore, it is clear that the card values generated are a sequence of cards generated in consecutive order with the consecutive order of the random number card values.

10. THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action. Any response to this final action should be mailed to:

Box AF:

Commissioner of Patents and Trademarks

Washington, D.C. 20231

or faxed to:

(703) 872-9306, (for formal communications; please mark "EXPEDITED
PROCEDURE")

Hand-delivered responses should be brought to Crystal Plaza II, Arlington, VA
Second Floor (Receptionist).

11. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kim Nguyen whose telephone number is (703) 308-7915. The examiner can normally be reached on Monday-Thursday from 8:30AM to 5:00PM ET.

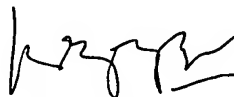
The central official fax number is (703) 872-9306.

Art Unit: 3713

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 308-1148.

kn

Date: October 27, 2004

A handwritten signature in black ink, appearing to read 'Kim Nguyen', with a stylized flourish at the end.

KIM NGUYEN
PRIMARY EXAMINER